

### **REMARKS**

Claims 14-17 are pending in the application. By this paper, the Specification is amended. Entry of this amendment is respectfully requested in order to place the application in condition for allowance or to narrow the issues for appeal.

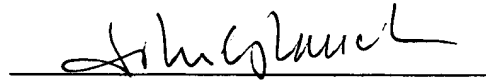
On July 12, 2004, a Petition For An Unintentionally Delayed Claim For Priority Under 37 C.F.R. § 1.78 was filed requesting addition of a claim to priority to U.S. application number 09/872,737, filed June 1, 2001. An Amendment was filed on that same date amending the Specification to add the requisite claim to priority.

In a Decision on Petition mailed October 21, 2004, the petition under 37 C.F.R. § 1.78(a)(3) was dismissed. According to the Decision, "a *proper* amendment adding the claim has not been filed. Rule 78 may not be used to incorporate by reference material which was not previously incorporated by reference. In this case, the amendment [filed July 12, 2004] seeks to incorporate by reference the contents of application no. 09/872,737."

Accordingly, by this paper, the Specification is proposed to be amended at page 1, line 5, to correct the claim to the priority of application serial number 09/872,737 added in the Amendment dated July 12, 2004. Specifically, the earlier-added incorporation by reference of application serial number 09/872,737 and application serial number 09/322,677 has been deleted so that the amendment is now a proper amendment under Rule 78. Accordingly, entry of this amendment and advancement of the application to allowance is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



John G. Rauch  
Registration No. 37,218  
Attorney for Applicant

November 4, 2004  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200